

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST) POLICE OFFICER EDWARD FELICIANO,) STAR No. 17238, DEPARTMENT OF POLICE,) CITY OF CHICAGO,) RESPONDENT.))	No. 12 PB 2824 (CR Nos. 1017716 & 1028765)
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FINDINGS AND DECISION

On December 13, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Edward Feliciano, Star No. 17238 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The Police Board caused a hearing on these charges against the Respondent to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on March 12 and 14, 2013.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,
in that:

Count I: On or about June 26, 2008, at or near [home address], Chicago, Police Officer Edward Feliciano knowingly and without legal justification caused bodily harm to Alyssa Feliciano and/or made physical contact of an insulting or provoking nature with Alyssa Feliciano, in that he slapped and/or grabbed and/or pushed and/or shook Alyssa Feliciano, in violation of Illinois Compiled Statutes Chapter 720, Section 5/12-3.2(a)1 and/or Section 5/12-3.2(a)2, thereby violating any law or ordinance.

Competent testimony was obtained from Alyssa Feliciano and Justin Feliciano that the Respondent slapped, grabbed and pushed Alyssa on the date charged. Justin further testified that he saw bruises on Alyssa's arm and that she had a busted lip on the day of the incident. Additionally, the Respondent admitted that he slapped Alyssa on the date as charged.

Furthermore, medical records from the Archer Family Medical Group indicated that Alyssa sought medical attention on June 27, 2008, and that bruises were noted on her upper right and left arms, and that there was a bruise on her upper lip and the right portion of her neck.

5. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,
in that:

Count II: On or about August 3, 2008, through on or about August 5, 2008, on one or more dates therein, Police Officer Edward Feliciano knowingly violated the conditions of bail entered in the Circuit Court of Cook County on or about June 27, 2008, in that he sent one or more text messages to Alyssa Feliciano, in violation of Illinois Compiled Statutes Chapter 720, Section 5/32-10(b), thereby violating any law or ordinance.

Uncontradicted testimony was obtained from Alyssa and Martha Feliciano that on the dates charged, Police Officer Feliciano sent a text and left a voicemail for Alyssa and his other children in violation of bail entered by the Circuit Court of Cook County that he was not to be in contact with Alyssa.

6. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,
in that:

Count III: On or about July 31, 2009, Police Officer Edward Feliciano knowingly violated one or more Orders entered in the Circuit Court of Cook County stating “[w]hen father picks up and drops off the minor children to mother’s home, he shall pull his car to the curb on the corner of the home, and shall remain in the car or next to his car,” or words to that effect, and/or stating “[d]rop off and pick up shall be at the marital residence Respondent shall wait in or by

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his car and the children shall walk to the car,” or words to that effect, when he approached Martha Feliciano and/or the front door of the home located at [home address] and/or banged on the door at [home address], in violation of Illinois Compiled Statutes Chapter 750, Section 5/607.1, thereby violating any law or ordinance.

Credible testimony was obtained from Justin Feliciano and Martha Feliciano that on the date charged Police Officer Feliciano met them at Martha’s house and came up to the house to pick up his children Justin and Jalin in contravention to Court Orders entered by the Circuit Court of Cook County. Additionally, competent evidence was presented that the Court Orders directed Police Officer Feliciano to stay at his car at the curb when he came to pick up the children.

Credible testimony was also given that Police Officer Feliciano cursed at Martha and his sons.

7. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count I: On or about June 26, 2008, at or near [home address], Chicago, Police Officer Edward Feliciano knowingly and without legal justification caused bodily harm to Alyssa Feliciano and/or made physical contact of an insulting or provoking nature with Alyssa Feliciano, in that he slapped and/or grabbed and/or pushed and/or shook Alyssa Feliciano, in violation of Illinois Compiled Statutes Chapter 720, Section 5/12-3.2(a)1 and/or Section 5/12-3.2(a)2, thereby impeding the Department’s efforts to achieve its policy and goals or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

8. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

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Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count II: On or about August 3, 2008, through on or about August 5, 2008, on one or more dates therein, Police Officer Edward Feliciano contacted Alyssa Feliciano via text message in violation of the conditions of bail that were entered in the Circuit Court of Cook County, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

9. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count III: On or about June 26, 2008, at or near [home address], Chicago, Police Officer Edward Feliciano slapped and/or grabbed and/or pushed and/or shook Alyssa Feliciano, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

10. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

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Count IV: On or about July 31, 2009, at or near [home address], Chicago, Police Officer Edward Feliciano stated and/or yelled to Martha Feliciano “[w]hy didn’t you fucking call me?”, or words to that effect, and/or “Give me my fucking kids!”, or words to that effect, and/or while banging on the front door stated and/or yelled “[g]ive me my fucking kids!”, or words to that effect, thereby impeding the Department’s efforts to achieve its policy and goals or bringing discredit upon the Department.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference.

11. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count V: On or about July 31, 2009, at or near [home address], Chicago, Police Officer Edward Feliciano stated and/or yelled to Justin Feliciano “[w]hy didn’t you fucking call me?”, or words to that effect, thereby impeding the Department’s efforts to achieve its policy and goals or bringing discredit upon the Department.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference.

12. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count VI: On or about July 31, 2009, Police Officer Edward Feliciano knowingly violated one or more Orders entered in the Circuit Court of Cook County stating “[w]hen father picks up and drops off the minor children to mother’s home, he shall pull his car to the curb on the

corner of the home, and shall remain in the car or next to his car,” or words to that effect, and/or stating “[d]rop off and pick up shall be at the marital residence Respondent shall wait in or by his car and the children shall walk to the car,” or words to that effect, when he approached Martha Feliciano and/or the front door of the home located at [home address] and/or banged on the door at [home address], thereby impeding the Department’s efforts to achieve its policy and goals or bringing discredit upon the Department.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference.

13. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,
in that:

Count I: On or about June 26, 2008, at or near [home address], Chicago, Police Officer Edward Feliciano slapped and/or grabbed and/or pushed and/or shook Alyssa Feliciano, thereby disrespecting or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

14. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,
in that:

Count II: On or about July 31, 2009, at or near [home address], Chicago, Police Officer Edward Feliciano stated and/or yelled to Martha Feliciano “[w]hy didn’t you fucking call me?”, or words to that effect, and/or “Give me my fucking kids!”, or words to that effect, and/or while banging on the front door stated and/or yelled “[g]ive me my fucking kids!”, or words to that effect, thereby disrespecting or maltreating any person, while on or off duty.

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See the findings set forth in paragraph no. 6 above, which are incorporated here by reference.

15. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,
in that:

Count III: On or about July 31, 2009, at or near [home address], Chicago, Police Officer Edward Feliciano stated and/or yelled to Justin Feliciano “[w]hy didn’t you fucking call me?”, or words to that effect, thereby disrespecting or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference.

16. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,
in that:

Count I: On or about June 26, 2008, at or near [home address], Chicago, Police Officer Edward Feliciano slapped and/or grabbed and/or pushed and/or shook Alyssa Feliciano, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

17. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

Count II: On or about July 31, 2009, at or near [home address], Chicago, Police Officer Edward Feliciano stated and/or yelled to Martha Feliciano “[w]hy didn’t you fucking call me?”, or words to that effect, and/or “Give me my fucking kids!”, or words to that effect, and/or while banging on the front door stated and/or yelled “[g]ive me my fucking kids!”, or words to that effect, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference.

18. The Respondent, Police Officer Edward Feliciano, Star No. 17238, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

Count III: On or about July 31, 2009, at or near [home address], Chicago, Police Officer Edward Feliciano stated and/or yelled to Justin Feliciano “[w]hy didn’t you fucking call me?”, or words to that effect, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference.

19. The Police Board has considered the facts and circumstances of the Respondent’s conduct, the evidence presented in defense and mitigation, and the Respondent’s complimentary

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and disciplinary histories, copies of which are attached hereto as Exhibit A.

Officer Feliciano engaged in unjustified altercations with his wife and their children, and his conduct warrants a severe punishment. Nonetheless, the Board finds that discharging Officer Feliciano from the Chicago Police Department is not warranted at this time. Officer Feliciano has served as a police officer for more than 28 years, during which time he has earned numerous awards and commendations. In addition to this factor, the Board has taken into account the testimony of the character/mitigation witnesses who supported Officer Feliciano's return to duty. Based on the totality of the circumstances of the incidents that led to the charges in this case, and Officer Feliciano's record and years of service to the Department, the Board finds that a suspension is a more fitting punishment on the facts of this particular case.

In addition, based on the nature of the conduct of which the Board has found Officer Feliciano guilty, the Board determines that in order to be reinstated to his position as a police officer, Officer Feliciano must successfully complete anger-management counseling, as set forth below.

The counseling program in which Officer Feliciano enrolls must be approved by the Police Department's Personnel Concerns Program prior to his enrollment, and he must successfully complete the counseling program under the supervision of the Personnel Concerns Program. The counseling agency shall report in writing on its official letterhead whether Officer Feliciano completed the counseling program successfully. Officer Feliciano shall sign the necessary waivers of confidentiality to permit the Police Board to receive such a report.

In order to be eligible for reinstatement, Officer Feliciano must tender the above-referenced report to the Board. This report must be received by the Board no later than August 1, 2013. The Board shall reconsider this matter after receiving said documentation. If

Officer Feliciano fails to tender said documentation by August 1, 2013, the Board shall issue an Order as it deems appropriate.

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes.

By unanimous votes, the Board finds the Respondent guilty of violating Rule 1, Rule 2, Rule 8, and Rule 9.

As a result of the foregoing, the Police Board, by a unanimous vote, hereby determines that cause exists for suspending the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from October 3, 2012, to and including the date the Board orders his reinstatement, as set forth above.

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NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Edward Feliciano, Star No. 17238, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2824, be and hereby is **suspended** from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from October 3, 2012, to and including the date the Board orders his reinstatement, as set forth above.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY OF APRIL, 2013.

/s/ Demetrius E. Carney

/s/ Scott J. Davis

/s/ Melissa M. Ballate

/s/ William F. Conlon

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

The undersigned hereby dissent from the Decision of the majority of the Board.

[None]

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2013.

SUPERINTENDENT OF POLICE

Report Date: 24 Sep 2012
 Report Time: 1237 Hrs

Information Services Division
 Data Warehouse
 Produced by: IL01656AEP

Chicago Police Department

Personnel Division

**Only for active personnel*

1 / 1 Main Report

100%

X

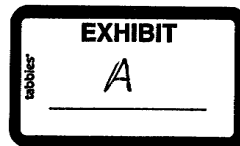
Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
FELICIANO, EDWARD A	9161	17238	189	167	

Achievements

DEMOCRATIC NATIONAL CONVENTION AWARD	1
ATTENDANCE RECOGNITION AWARD	1
2009 CRIME REDUCTION AWARD	1
UNIT MERITORIOUS PERFORMANCE AWARD	1
2004 CRIME REDUCTION RIBBON	1
DEPARTMENT COMMENDATION	4
COMPLIMENTARY LETTER	5
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
HONORABLE MENTION	101
PROBLEM SOLVING AWARD	1
TOTAL AWARDS	117

Total No.



BUREAU OF INTERNAL AFFAIRS
RECORDS SECTION

WEDNESDAY 12 DEC. 2012

TO: COMMANDING OFFICER OF UNIT 113

FROM: RECORDS SECTION
BUREAU OF INTERNAL AFFAIRS

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

FELICIANO	EDWARD	17238	189/167
NAME	(LAST, FIRST, M.I.)	STAR	UNIT

M	WHI	[REDACTED]
SEX	RACE	EMP#

REFERENCE: COMPLAINT REGISTER NUMBER (S) 1017 716

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

ATTY. HONG WINKLE	----	[REDACTED]	113
RANK	NAME	STAR	EMP# UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCE COMPLAINT REGISTER NUMBER.

THE RECORD SECTION, BUREAU OF INTERNAL AFFAIRS, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION (S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

FOR: S.D.E.O Patricia JOHNSON/WALKER
COMMANDING OFFICER
RECORDS SECTION
BUREAU OF INTERNAL AFFAIRS

See Att'd CR History
No SPAR History

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 Police Officer Edward Feliciano
 Findings and Decision

IADR118

CHICAGO POLICE DEPARTMENT

12-DEC-2012 09:33:28 AM

Sustained Complaints History Report

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #.</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	FELICIANO EDWARD A.	17238	[REDACTED]	9161	POLICE OFFICER	167
<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>	
M	SPANISH (DO NOT USE)	[REDACTED]	08-APR-1985	1	0	
<u>Case #.</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>	
C 1014471	18-FEB-2008		30 DAY SUSPENSION**	05K-DOMESTIC ALTERCATION/INCIDENT - OFF DUTY		
<u>Civil Suit #</u>	<u>Police Board #</u>					
<u>Comments</u>	SU 030					

**Reduced to 15 days

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)		
POLICE OFFICER EDWARD FELICIANO,)		No. 12 PB 2824
STAR No. 17238, DEPARTMENT OF POLICE,)		
CITY OF CHICAGO,)		
RESPONDENT.)		(CR Nos. 1017716
		& 1028765)

MEMORANDUM AND ORDER

On December 13, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Edward Feliciano, Star No. 17238 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating various Rules of Conduct.

On April 18, 2013, the Police Board found the Respondent guilty of violating Rules 1, 2, 8, and 9, and ordered that the Respondent be suspended from his position as a police officer. The Board further ordered the Respondent to successfully complete anger-management counseling in order to be eligible for reinstatement to his position as a police officer.

On June 24, 2013, the Respondent filed with the Board a Request for Reinstatement. The Superintendent filed a Response and filed a Motion to Supplement the Superintendent’s Response. The Respondent filed a Reply. The Superintendent’s Motion to Supplement is granted. The Board has considered the Respondent’s Request, the Superintendent’s Response as supplemented, and the Respondent’s Reply.

Based on the report of Dr. Robert Sobo, a psychologist in the Chicago Police Department’s Professional Counseling Service/Employee Assistance Program, regarding the counseling Officer Feliciano has completed under his care in the Police Department’s Professional Counseling Service/Employee Assistance Program since the Board issued its Findings and Decision in this matter, the Board determines that Officer Feliciano has completed sufficient counseling to comply with the Board’s order.

POLICE BOARD ORDER

IT IS HEREBY ORDERED, for the reasons set forth above, that the Respondent's Request for Reinstatement is **granted**, and that the Respondent, Police Officer Edward Feliciano, Star No. 17238, is **reinstated** to his position as a police officer with the Department of Police, and to the services of the City of Chicago, effective July 23, 2013.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY OF JULY, 2013.

/s/ Demetrius E. Carney

/s/ Scott J. Davis

/s/ Melissa M. Ballate

/s/ William F. Conlon

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

Police Board Case No. 12 PB 2824
Police Officer Edward Feliciano
Memorandum and Order

DISSENT

The following members of the Police Board hereby dissent from the Order of the majority of the Board.

[None]

RECEIVED A COPY OF

THIS MEMORANDUM AND ORDER

THIS ____ DAY OF _____, 2013.

SUPERINTENDENT OF POLICE